

MAY 13 2025

COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

PUBLIC SERVICE
COMMISSION

REQUEST FOR INTERVENTION

In the Matter of: ELECTRONIC APPLICATION OF FARMERS RURAL ELECTRIC
COOPERATIVE CORPORATION FOR GENERAL ADJUSTMENT OF RATES AND OTHER
GENERAL RELIEF
CASE NO. 2025-00107

Comes now Wesley A. Collins, ("Collins") dba KY Whitetail Land Co, and states as follows:

I am Wesley Collins, formerly Engineering Manager for Salt River Electric Co op, a former Transmission Line Engineer, supervisor and P.E. registered in two disciplines and designed lines across multiple states around the country, and whom currently owns and operates KY Whitetail Land Co (dba), which creates mini farms and finances them across multiple counties and much of Farmer's RECC territory. I further have personally taken legal cases to the appellate court level on multiple occasions, and am familiar with law.

This request for intervention, in general, relates to violations of 807 K.A.R. 5:041 and other violations, but particularly tree clearing, and the duty of the co-op to do it, or otherwise have a fair tariff rate for doing it. While Farmers makes customers create or pay for right-of-way clearing in full and make Farmers' ROW for them, no other co-op around charges anything. So if I am selling a farm where one side is Farmers, and another is any other co-op, we have to tell customers that Farmers does not comply with K.A.R. and so it's going to cost you thousands more if you buy this one instead of that one with a co-op that follows regulations. Collins has made Farmers aware of this violation, however, he is not aware that they are now complying. They simply state that since they have no clearing crews, customers have to pay for it. This is predatory. They further make you sign a contract to pay for a yard light for 5 years, even if you move, to have a yard light installed, and I would entertain this is not an approved tariff, but shows their other smaller predatory practices.

1. 807 K.A.R. 5:041, Section 11, states that "....Section 11. Distribution Line Extensions.

(1) Normal extensions. An extension of 1,000 feet or less of single phase line shall be

made by a utility to its existing distribution line without charge for a prospective

customer who shall apply for and contract to use the service for one (1) year or more and

provides guarantee for such service.".

2. Farmers is requiring a **40 foot wide** right-of-way “sky-to-sky”, which is at least 33% larger than the local industry norm of 30 feet, and is demanding that their customers pay for their exorbitant width tree clearing. Many utilities only require a 10-20 foot width for single phase overhead lines, such as 20 feet width by Duke Energy (Attached, <https://www.duke-energy.com/community/trees-and-rights-of-way/what-can-you-do-in-right-of-way/distribution-lines-guidelines-and-restrictions?jur=KY01>).
3. Since homeowners do not have specialty equipment to side-trim trees, they must clear 60+ feet of trees to meet this requirement, so that the tops are clear to a 40 foot width. This is larger than the right-of-way required for a three phase 69kV transmission line which is 50 feet, for a small single phase distribution line. Since Farmers is not paying for it, why not, right? Make the member-owners do it all themselves.
4. Farmers will have their contractor quote doing the work for you, and it is unconscionable at around \$500 per small tree. A 1000 foot right-of-way may cost \$30,000 or more for a person to meet Farmers' ridiculous requirements at their prices, just to build a home in the area and receive electric service. Just across the county lines in most any other direction, is free, or included in rates already so that there is no separate charge, as required by regulation.
5. Neither Nolin RECC nor Taylor County RECC charge their member-owners for cutting the customary 30 foot width right-of-ways, yet Farmers requires the landowner to clear 40 feet “sky to sky”, or cut it 60 feet wide before they will “approve” providing electric service. Farmers knows that member-owners do not have access to equipment for side trimming, nor is the equipment normally available to the public. It is noted that no one is mulching trees or turning the right of way into pastures for free, but felling trees is part of the line building requirements to install the line.
6. It is believed Farmers is an RUS borrower, and required to follow RUS guidelines. RUS Guidelines: “The right-of-way **shall be prepared by removing trees**, clearing underbrush, and

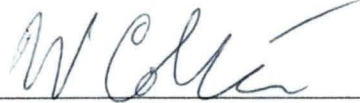
trimming trees so that the right of way is cleared close to the ground and to the width specified. However, low growing shrubs, which will not interfere with the operation or maintenance of the line, shall be left undisturbed if so directed by the owner. Slash may be chipped and blown on the right of way if so specified.

The **landowner's written permission shall be received prior to cutting trees outside of the right of way.** (emphasis added, no regulation expects landowners to be doing the work themselves) **Trees fronting each side of the right of way shall be trimmed symmetrically** unless otherwise specified. Dead trees beyond the right of way which would strike the line in falling shall be removed. Leaning trees beyond the right of way which would strike the line in falling and which would require topping if not re-moved, except that shade, fruit or ornamental trees shall be trimmed and not removed, **unless otherwise authorized.**" (emphasis added, again, the landowner authorizes what the utility is to do.)

7. Farmers' practices may not comply with the RUS standard that is set forth in M1.30G "Right of way clearing guide" and standards set in the National Electrical Safety Code in Section 23. RUS Part 1730.22 (c), "Facilities must comply, be maintained, and be inspected according to the National Electrical Safety Code."
8. Farmers' member agreement application states "The applicant grants the cooperative the right and privilege of maintaining proper right-of-way clearance which includes cutting and herbicide use to remove trees and bushes that are of such height and proximity to the electric lines that it may interfere with and/or create a hazard to the operation of the electric facilities....".

Wherefore, Wesley Collins, dba KY Whitetail Land Co, requests intervention to this rate case unless or until they are in compliance with both K.A.R. and R.U.S. regulations and rules, cease all predatory practices, and provide the same services as every other co-op in the area.

Submitted and mailed this the 13th day of May, 2025, and by electronic service to Tobias Moss,
President, Farmers RECC.

A handwritten signature in black ink, appearing to read 'W Collins', is positioned above a horizontal line.

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